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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/384,882	08/27/1999	JANNE AALTONEN	NC28066	8421

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT PAPER NUMBER

2611

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/384,882

Applicant(s)

AALTONEN ET AL

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 1999 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4-7</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 5, 8, 11, 13, 14, 18, 20, 21, 23 and 24, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,470,378-B1 to Tracton.

Regarding claims 1, 5, 8 and 11, Tracton discloses a portable device with a web browser which may be a cellular phone or computer, the phone retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor capabilities which the server utilizes to determine the optimal copy to transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5).

Regarding claims 4 and 20, Tracton discloses a cellular phone that displays MPEG video or web pages. Tracton inherently stores the video, as storage is required to decode MPEG video and webpages prior to display.

Regarding claims 13, 14, 18, 21, 23, and 24, Tracton discloses a portable device with a web browser which may be a cellular phone or computer, the

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phone retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor 106's capabilities which the server utilizes to determine the optimal copy to transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5). Tracton inherently utilizes a low power radio frequency transceiver as Tracton discloses the mobile device may be a cellular phone.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 10, 12, 15, 19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378-B1 to Tracton.

Regarding claim 6, Tracton discloses a portable device with a web browser which may be a cellular phone or computer, the phone retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor capabilities which the server utilizes to determine the optimal copy to

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transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5).

Tracton does not disclose combining the data signal with other data to create a display.

The examiner takes official notice that combining a data signal with other data, such as web browser navigation controls, is well known in the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tracton to display web browser navigation controls in order to allow a user to control the webpages to be displayed.

Regarding claims 7, Tracton discloses a portable device with a web browser which may be a cellular phone or computer, the phone retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor capabilities which the server utilizes to determine the optimal copy to transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5).

Tracton does not disclose the use of a digital broadcast channel.

The examiner takes official notice that transmitting data through a digital broadcast channel is well known in the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Traction to utilize a digital broadcast channel to transmit the video and web pages, to take advantage of the higher quality signal, a digital channel provides.

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Regarding claims 10, 12, 19, Tracton discloses a portable device with a web browser, which may be a cellular phone or computer, and the phone retrieves MPEG video or web pages.

Tracton does not disclose audio output or MP3 formatted data.

The examiner takes official notice that the transmission of MP3 formatted data to a computer device from a server and playing that data via an audio output is well known in the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tracton to download MP3 files and play them back via an audio output to enable a user to listen to music without having the physical playback media.

Regarding claim 15, Tracton discloses a portable device with a web browser, which may be a cellular phone or computer; the phone retrieves MPEG video or web pages.

Tracton does not disclose turning a receiver on and off according to the communications environment.

The examiner takes official notice that turning a receiver on and off depending on a communications environment, such as when a scheduled program is to be broadcast or file downloaded, is well known in the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Traction to switch a receiver on and off depending on a communications environment, such as when a scheduled program is to be broadcast or file downloaded in order to reduce power consumption.

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Regarding claim 22, Tracton discloses a portable device with a web browser which may be a cellular phone or computer; the phone retrieves MPEG video or web pages.

Tracton does not disclose the use of a wireless LAN.

The examiner takes official notice that the use of 802.11 to transmit data to and from a mobile device, including Internet content is well known in the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tracton to utilize 802.11 in order to take advantage of the high bandwidth that 802.11 provides.

Claims 16, 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378-B1 to Tracton in view of U.S. Patent 6,263,505 to Walker.

Regarding claims 16 and 17, Tracton discloses a portable device with a web browser which may be a cellular phone or computer, the phone retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor 106's capabilities which the server utilizes to determine the optimal copy to transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5).

Tracton does not disclose utilizing timing and synchronization to receive over the air data signals and provide interactivity with the received signals.

Walker discloses a system in which TV broadcast signals and synchronized information are received at a user's set top box, the synchronized information utilizes time codes which determine when to display supplemental content such as alternative views, product information or websites where a user can learn more about the content they are watching (Figure 4, 5 column 4, line 55-column 5, line 22, line 34-column 7, line 62).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tracton to transmit synchronization information to provide additional content as taught by Walker so that a user could learn more about the program they are watching.

Regarding claim 25, Tracton discloses a portable device with a web browser which may be a cellular phone or computer, the phone retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor 106's capabilities which the server utilizes to determine the optimal copy to transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5).

Tracton does not disclose the use of a wireless LAN and providing interactivity with the received signals.

Walker discloses a system in which TV broadcast signals and synchronized information are received at a user's set top box, the synchronized information utilizes time codes which determine when to display supplemental content such as alternative views, product information or websites where a user

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can learn more about the content they are watching (Figure 4, 5 column 4, line 55-column 5, line 22, line 34-column 7, line 62).

The examiner takes official notice that the use of a wireless LAN is well known in the art, and selecting an interface for transmission when multiple interfaces are available is well known.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tracton to transmit synchronization information to provide additional content as taught by Walker so that a user could learn more about the program they are watching and to utilize a wireless LAN, so that a user could be mobile while interacting with the program.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378-B1 to Tracton in view of U.S. Patent 6,175,739-B1 to Ishii.

Regarding claims 2, 3, Tracton discloses a portable device with a web browser which may be a cellular phone or computer, the phone retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor capabilities which the server utilizes to determine the optimal copy to transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5).

Tracton does not disclose using one of a plurality of wireless links and determining the appropriate wireless link.

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Ishii discloses a system in which a base station 10 monitors a number of channels to find an unused channel for data transfer, once the base station find an unused channel data is transferred (figure 2, column 5, lines 1-34).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Tracton to utilize the wireless channel selection of Ishii in order to reduce interference from other wireless traffic.

Claims 9, 26-28, 32-37, 41 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378-B1 to Tracton in view of U.S. Patent 6,637,027-B1 to Breslauer.

Regarding claims 9, 26, Tracton discloses a portable device with a web browser which may be a cellular phone or computer, the phone retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor capabilities which the server utilizes to determine the optimal copy to transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5).

Tracton fails to disclose utilizing the DVB-T format.

Breslauer discloses a WebTV device which includes a DVD tuner 222 for receiving video and audio only broadcasts (column 5, line 11-column 58, column 6, line 51-60).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tracton to include a DVB-T tuner as taught by Breslauer in

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order to display DVB-T formatted data in order to take advantage of the higher quality video DVB provides.

Regarding claims 27, and 32-36 Tracton discloses a portable device with a web browser which may be a cellular phone or computer, the phone retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor 106's capabilities which the server utilizes to determine the optimal copy to transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5). Tracton inherently utilizes a low power radio frequency transceiver as Tracton discloses the mobile device may be a cellular phone. Tracton inherently has a service provider as Tracton discloses that the client device connects to a server to receive web and video content.

Tracton does not disclose the use of a broadcast operator.

Breslauer discloses a WebTV device that includes a DVB tuner 222 for receiving video and audio only broadcasts, the broadcasts are may be transmitted terrestrially (column 5, line 11-column 58, column 6, line 51-60).

The examiner takes official notice that transmitting data from a service provider in a television broadcast is well known in the art, for example Internet data in the VBI.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Tracton to utilize the broadcast receiver of Breslauer in order to take advantage of the high speed bandwidth broadcasting provides, and

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to transmit data along with the broadcast in order to deliver Internet content along with the data.

Regarding claim 28, Tracton discloses a portable device with a web browser which may be a cellular phone or computer; the phone retrieves MPEG video or web pages.

Tracton and Breslauer do not disclose turning a receiver on and off according to the communications environment.

The examiner takes official notice that turning a receiver on and off depending on a communications environment, such as when a scheduled program is to be broadcast or file downloaded, is well known in the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Traction to switch a receiver on and off depending on a communications environment, such as when a scheduled program is to be broadcast or file downloaded in order to reduce power consumption.

Regarding claim 37, Breslauer discloses that the IRD 110 may receive audio only content and includes speakers for presenting the audio (column 5, lines 51-59).

Regarding claims 41 and 44, Tracton discloses that the device may be a cellular phone (column 7, lines 26-34). Tracton inherently utilizes a low power RF transceiver as a cellular phone utilizes RF frequencies.

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Claims 29-31, 38-40, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378-B1 to Tracton in view of U.S. Patent 6,637,027-B1 to Breslauer in view of U.S. Patent 6,263,505 to Walker.

Regarding claims 29-31, 38 and 40, Tracton discloses a portable device with a web browser which may be a cellular phone or computer, the phone retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor 106's capabilities which the server utilizes to determine the optimal copy to transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5). Breslauer discloses a WebTV device that includes a DVB tuner 222 for receiving video and audio only broadcasts, the broadcasts are may be transmitted terrestrially (column 5, line 11-column 58, column 6, line 51-60).

Tracton and Breslauer do not disclose utilizing timing and synchronization to receive over the air data signals and provide interactivity with the received signals.

Walker discloses a system in which TV broadcast signals and synchronized information are received at a user's set top box, the synchronized information utilizes time codes which determine when to display supplemental content such as alternative views, product information or websites where a user can learn more about the content they are watching (Figure 4, 5 column 4, line 55-column 5, line 22, line 34-column 7, line 62).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tracton and Breslauer to transmit synchronization information to provide additional content as taught by Walker so that a user could learn more about the program they are watching.

Regarding claims 39, 42 and 43, Tracton discloses a portable device with a web browser which may be a cellular phone or computer, the phone retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor 106's capabilities which the server utilizes to determine the optimal copy to transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5). Breslauer discloses a WebTV device that includes a DVB tuner 222 for receiving video and audio only broadcasts, the broadcasts are may be transmitted terrestrially (column 5, line 11-column 58, column 6, line 51-60).

Tracton and Breslauer do not disclose the use of a wireless LAN and provide interactivity with the received signals.

Walker discloses a system in which TV broadcast signals and synchronized information are received at a user's set top box, the synchronized information utilizes time codes which determine when to display supplemental content such as alternative views, product information or websites where a user can learn more about the content they are watching (Figure 4, 5 column 4, line 55-column 5, line 22, line 34-column 7, line 62).

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The examiner takes official notice that the use of a wireless LAN to provide data signals is well known in the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tracton and Breslauer to transmit synchronization information to provide additional content as taught by Walker so that a user could learn more about the program they are watching and to utilize a wireless LAN, so that a user could be mobile while interacting with the program.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL



VIVEK SRIVASTAVA
PRIMARY EXAMINER